

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal No. 4:18-CR-00011
	)	
ASHLEY TIANA ROSS,	)	
	)	
Defendant.	)	

**RESPONSE TO GOVERNMENT’S DEMAND FOR NOTICE OF ALIBI**

Defendant Ashley Tiana Ross responds to the Government’s Demand for Notice of Alibi (ECF 429), as follows:

1. The United States has filed a Demand for Notice of Alibi. Ross objects to the demand on the grounds that the Demand does not comply with Fed. R. Crim. P. 12.1(a) because the Demand does not specify “the alleged offenses” nor does it reference any particular offense charged by the indictment.<sup>1</sup> As such, the Demand requires that the accused guess which particular offense corresponds to the “Date, Time and Location (if known)” set forth in the Demand (see ECF 429, at 2). And, the Demand is in reality an interrogatory, which is a form of discovery not permitted by Fifth Amendment of the Constitution of the United States and the Federal Rules of Criminal Procedure as it violates the accused’s right to remain silent and requires her to give evidence against herself.

2. Without waiving the objection, if June 15, 2016 from 10:00 p.m. to 11:00 p.m. is the date and time on which Tanasia Coleman’s pinky finger was shot, then Ross was at her home at

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<sup>1</sup> Ross will file this pleading as a “Notice of Alibi” under the dropdown menu under “Other Documents” in the ECF system as opposed to a “Response” under the dropdown menu under “Responses and Replies” though the latter is probably more accurate.

Southwyck Hills Apartments on that date and time, at least for a period of time. She was with Coleman for a period of time then drove her to the hospital after Colman was shot. Tredarius Keene was also there for a period of time, and Ross' minor child likely was also there. The Government has prohibited Ross from having contact w/ the witnesses, however, so Ross cannot provide their addresses and telephone numbers.

3. With respect to August 20, 2016 from "12:00 noon to 12:00 p.m." (which is the same time), if this is the day of the shooting at Southwyck Hills Apartments described in the indictment, Ross was at her apartment that day about noon before her aunt picked her up to take her to a cousin's birthday party at Megabounce, which is a play area for children, in Danville. Tanasia Coleman and Tredarius Keene were also at the apartment that day, but Ross is not certain they were there exactly at noon.

4. With respect to August 24, 2016 from 3:00 p.m. to 4:00 p.m., again the Demand does not specify any particular "alleged offense," so it is difficult for Ross to recall exactly where she was nearly three years ago (it is easier to remember events rather than dates and time), but she was probably at her apartment that day with her minor child.

5. The United States knows all of this as a result of its investigation and because Ross met with the government on October 30 and November 7, 2017 and gave a statement and testified before the Grand Jury on May 7, 2018, so the demand for an alibi with request to her is perplexing.

Respectfully submitted,

ASHLEY TIANA ROSS

By /s/Terry N. Grimes  
Of Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, and that a true and accurate copy of the foregoing was sent via the CM/ECF system to all counsel of record, on the 17th day of April, 2019.

/s/ Terry N. Grimes  
Terry N. Grimes